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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/809,365 | 03/26/2004 | Tsugio Okamoto | 119261 | 7633 |

25944 7590 07/19/2006

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

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| EXAMINER |
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MRUK, GEOFFREY S

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| ART UNIT | PAPER NUMBER |
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2853

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/809,365 | OKAMOTO, TSUGIO | |
| | Examiner | Art Unit | |
| | Geoffrey Mruk | 2853 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/26/04, 12/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 10-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2 June 2006.

Applicant's election with traverse of species 1 claims 1-9, in the reply filed on 2 June 2006 is acknowledged. The traversal is on the ground(s) that "the search and examination of the entire application could be made without serious burden." This is not found persuasive because although there is no requirement to show separate classification in regards to an election of species, a burden does exist because a separate search would be required.

The requirement is still deemed proper and is therefore made FINAL.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayama et al. (US 5,757,399).

With respect to claim 1, Murayama discloses an inkjet printer (Fig. 4, element 302) comprising:

- a head (Fig. 4, element 305) including an ink ejection surface that ejects ink ;
- a cap (Fig. 4, element 306) capable of moving to come into contact with the ink ejection surface of the head (Column 17, lines 13-22), the cap includes an ink outflow channel where the ink ejected from the head flows out to external due to weight of the ink (Column 18, lines 11-17);
- a primary recovery portion (Fig. 15A, element 2) that allows the ink flowing out from the cap through the ink outflow channel to flow into the primary recovery portion to recover the ink; and
- a secondary recovery portion (Fig. 15A, element 2032) including an ink absorber (Fig. 15A, element 2032, i.e. walls of the ink catch), which absorbs the ink due to a capillary phenomenon from the primary recovery portion to recover the ink (Column 18, lines 21-29).

With respect to claim 2, Murayama discloses the primary recovery (Fig. 15A, element 2) portion moves together with the cap (Fig. 4, element 306); and the primary recovery portion comes into contact (Fig. 15A, element 13) with the secondary recovery portion (Fig. 15A, element 2032) and allows the secondary recovery portion to absorb the ink from the primary recovery portion when the primary recovery portion reaches a rest position where the primary recovery portion stops moving (Figs. 15A, 15B).

With respect to claim 3, Murayama discloses the primary recovery portion (Fig. 15A, element 2) moves forward and backward between two positions (Figs. 15A, 15B); the rest position is located in each of both ends in a moving direction of the primary recovery portion; and the primary recovery portion comes into contact with the secondary recovery portion when the primary recovery portion reaches the rest position in each of both ends (Column 18, lines 21-29).

With respect to claim 4, Murayama discloses a pressing mechanism (Fig. 15A, element 2030) that displaces a part of the secondary recovery portion interlocking with the motion (Fig. 15A, elements 2031a, 2031b) of the primary recovery portion to press the secondary recovery portion onto the primary recovery portion when the primary recovery portion reaches the rest position (Column 18, lines 36-49).

With respect to claim 5, Murayama discloses the primary recovery portion (Fig. 15A, element 2) includes an ink absorber (Fig. 15A, element 3) that absorbs the ink due to the capillary phenomenon (Column 18, lines 50-59).

With respect to claim 6, Murayama discloses a valve (Fig. 15A, element 13) that closes the ink outflow channel when the cap is in close contact with the head and opens the ink outflow channel when the cap is at a distance from the head (Fig. 15B).

With respect to claim 7, Murayama discloses an ink reservoir (Fig. 5, element 1655; Column 8, lines 64-66) disposed in the middle of the ink outflow channel (Fig 5, element 1658), the ink reservoir that reserves a part of the ink flowing into the ink reservoir from an upstream and allows the rest of the ink to overflow to a downstream, to make the reserved ink block gas flowing back through the ink outflow channel (Column 9, lines 43-56, i.e. recovery operation).

With respect to claim 8, Murayama discloses an ink reservoir (Fig. 5, element 1655; Column 8, lines 64-66) disposed at an outlet of the ink outflow channel (Fig. 5, element 1660), the ink reservoir that reserves a part of the ink flowing into the ink reservoir from an upstream and allows the rest of the ink to overflow to a downstream, to make the reserved ink block gas flowing back through the ink outflow channel (Column 9, lines 43-56, i.e. recovery operation).

With respect to claim 9, Murayama discloses the cap (Fig. 4, element 306) moves between a first position and a second position (Figs. 15A, 15B); when the cap reaches the first position, the cap is in close contact with the head (Fig. 12; Column 16, lines 45-50).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is 571 272-2810. The examiner can normally be reached on 7am - 330pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM
7/6/2006

GM


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER